

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRUCE CHAPMAN; and HANDLE WITH CARE  
BEHAVIOR MANAGEMENT SYSTEM, INC.,

Plaintiffs,

vs

1:04-CV-867

NEW YORK STATE DIVISION FOR YOUTH;  
NEW YORK STATE DEPARTMENT OF SOCIAL  
SERVICES; NEW YORK STATE OFFICE OF  
CHILDREN & FAMILY SERVICES; JOHN JOHNSON,  
Commissioner of New York State Office of Children  
and Family Services and former Commissioner of the  
New York State Division for Youth, in his Official and  
Individual Capacity; MARGARET DAVIS, Former  
Director of Training for the New York State Division  
for Youth, and former Director of Training for New  
York State Office of Children and Family Services,  
in her Official and Individual Capacity; PATSY MURRAY,  
Former Associate Training Technician for the New York  
State Division for Youth, and Current Position as Trainer  
for New York State Office of Children and Family Services,  
in her Official and Individual Capacity; CORNELL  
UNIVERSITY; JEFFREY LEHMAN, President of Cornell  
University, in his Official and Individual Capacity; DOCTOR  
HUNTER RAWLINGS, III, Former President of Cornell  
University, in his Official and Individual Capacity; NEW  
YORK STATE COLLEGE OF HUMAN ECOLOGY;  
FAMILY LIFE DEVELOPMENT CENTER; RESIDENTIAL  
CHILD CARE PROJECT; THERAPEUTIC CRISIS  
INTERVENTION; MARTHA HOLDEN, Project Director  
of the Residential Child Care Project and Therapeutic  
Crisis Intervention Trainer and Coordinator, in her Official  
and Individual Capacity; MICHAEL NUNNO, Project Director  
of the Residential Child Care Project and Therapeutic Crisis  
Intervention Trainer, and Coordinator, in his Official and  
Individual Capacity; HILLSIDE CHILDREN'S CENTER;  
DENNIS RICHARDSON, President, and CEO of Hillside  
Children's Center, in his Official and Individual Capacity;  
DOUGLAS BIDLEMAN, Employee of Hillside Children's  
Center, and Therapeutic Crisis Intervention Trainer, in  
his Official and Individual Capacity; and JOHN DOE,  
1 through 99, Defendants.

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APPEARANCES:

OF COUNSEL:

HILARY ADLER, ESQ.  
Attorney for Plaintiffs  
184 McKinstry Road  
Gardiner, NY 12525

HON. ELIOT SPITZER  
Attorney General of the  
State of New York  
Attorney for Defendants, NYS Division for Youth;  
NYS Department of Social Services; NYS  
Office of Children & Family Services; John  
Johnson; Margaret Davis; and Patsy Murray;  
Department of Law  
The Capitol  
Albany, New York 12224

DOUGLAS J. GOGLIA, ESQ.  
Asst. Attorney General

OFFICE OF UNIVERSITY COUNSEL  
Attorneys for Cornell University; Jeffrey Lehman;  
Doctor Hunter Rawlings, III, NYS College of  
Human Ecology; Family Life Development  
Center; Residential Child Care Project;  
Therapeutic Crisis Intervention; Martha Holden;  
and Michael Nunno  
300 CCC Building  
Garden Avenue  
Ithaca, NY 14853

NELSON E. ROTH, ESQ.

KERNAN PROFESSIONAL GROUP, LLP  
Attorneys for Hillside Children's Center;  
Dennis Richardson; and Douglas Bidleman  
1310 Utica Street  
P.O. Box 750  
Oriskany, NY 13424

DAVID A. BAGLEY, ESQ.

DAVID N. HURD  
United States District Judge

**ORDER**

Defendants have brought a motion for attorneys' fees against plaintiffs pursuant to Federal Rule of Civil Procedure 54(a)(2) and 17 U.S.C. § 505; and against plaintiffs' counsel pursuant to 28 U.S.C. § 1927. Plaintiffs have opposed the motion. In a Report

Recommendation dated May 23, 2006, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the motion for attorneys' fees pursuant to 17 U.S.C. § 505 be denied and that the motion for attorneys' fees pursuant to 28 U.S.C. § 1927 be denied. Objections to the Report Recommendation have been filed by the defendants.

Based upon a de novo review of the portions of the Report-Recommendation to which the defendants have objected, the Report-Recommendation is accepted and adopted.

See 28 U.S.C. 636(b)(1).

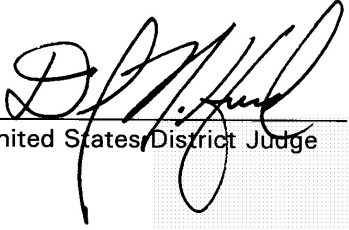
Accordingly, it is

ORDERED that

1. The motion for attorneys' fees pursuant to 17 U.S.C. § 505 is DENIED; and
2. The motion for attorneys' fees pursuant to 28 U.S.C. § 1927 is DENIED.

IT IS SO ORDERED.

Dated: August 21, 2007  
Utica, New York.

  
United States District Judge